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FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1653

Legal Process for the Enforcement of a Participant's Legal Obligations To Provide Child Support or Make Alimony Payments

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Final rule.

SUMMARY: The Executive Director of the Federal Retirement Thrift Investment Board (Board) is adopting as a final rule without change an interim regulation which explains the Board's procedures for responding to legal process for the enforcement of a participant's legal obligations to provide child support or make alimony payments.

EFFECTIVE DATE: These final rules are effective December 21, 1995.

FOR FURTHER INFORMATION CONTACT: Patrick J. Forrest (202) 942-1662, Federal Retirement Thrift Investment Board, 1250 H Street, NW., Suite 400, Washington, DC 20005.

SUPPLEMENTARY INFORMATION: The Board administers the Thrift Savings Plan (TSP), which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99-335, 101 Stat. 514 (1986), which has been codified, as amended, largely at 5 U.S.C. 8401-8479 (1994). The TSP is a tax-deferred retirement savings plan for Federal employees that is similar to cash or deferred arrangements established under section 401(k) of the Internal Revenue Code. Sums in a TSP participant's account are held in trust for that participant. 5 U.S.C. 8437(g).

FERSA provides that payments from the TSP that would otherwise be made to any participant "shall be subject to legal process for the enforcement of the individual's legal obligations to provide child support or make alimony

payments as provided in section 459 of the Social Security Act (42 U.S.C. 659)." 5 U.S.C. 8437(e)(3).

These regulations address only legal process for the enforcement of a participant's legal obligations to provide child support or make alimony payments. The Board also must honor a court decree of divorce, annulment, or legal separation or a court order or court-approved property settlement agreement incident to such decree that expressly awards a portion of a participant's TSP account to a spouse, former spouse, child or other dependent of the participant, or to the attorney for the spouse, former spouse, child or other dependent of the participant for attorney fees. 5 U.S.C. 8467 and 8435(c). The Board refers to these documents as "retirement benefits court orders," and regulations governing them can be found at 60 FR 13604 (1995) (to be codified at 5 CFR part 1653, subpart A).

On August 31, 1995, the Board published an interim rule with request for comment in the Federal Register (60 FR 45624) relating to the Board's procedures for responding to legal process for the enforcement of participant's legal obligations to provide child support or make alimony payments. The Board received no comments on the interim rule. Therefore, we are adopting the provisions of the interim rule as a final rule without change.

Federal Retirement Thrift Investment Board.

Roger W. Mehle,
Executive Director.

Accordingly, the interim rule amending 5 CFR part 1653, which was published at 60 FR 45624 on August 31, 1995, is adopted as a final rule without change.

[FR Doc. 95-31016 Filed 12-20-95; 8:45 am]

BILLING CODE 6760-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

7 CFR Part 510

Availability of Information

AGENCY: Agricultural Research Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends regulations of the Agricultural Research Service (ARS) regarding the availability of information to the public in accordance with the Freedom of Information Act (FOIA) to inform the public of the change in location and title of the FOIA Coordinator for ARS and to make technical corrections in the regulations.

EFFECTIVE DATE: December 21, 1995.

FOR FURTHER INFORMATION CONTACT: Stasia A.M. Hutchison, FOIA Coordinator, Agricultural Research Service, USDA, 6303 Ivy Lane, Room 456, Greenbelt, MD 20770, (301) 344-2207.

SUPPLEMENTARY INFORMATION: The FOIA requires agencies to publish in the Federal Register regulations describing how the public may obtain information from the agency (5 U.S.C. 552(a)(1)). Part 510 of Title 7, Code of Federal Regulations, is issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR Part 1, Subpart A, implementing FOIA.

Pursuant to an internal reorganization of the Department of Agriculture (USDA), the National Agricultural Library (NAL) has been integrated as a subordinate unit within the Agricultural Research Service (ARS), USDA, and the Human Nutrition Information Service (HNIS) has been abolished and the research functions formerly administered by HNIS have been delegated to the Administrator, ARS. Requests for information relating to NAL or HNIS may be directed to the ARS FOIA Coordinator pursuant to the Part.

Former Sections 510.2, Public inspection and copying, and 510.3, Index, have been merged into one new Section 510.2, Public inspection, copying, and indexing. A new Section 510.4, Denials, has been added to clarify the procedures when requested documents are denied by the FOIA Coordinator. This document also amends Part 510 to inform the public of the change in the location and title of the FOIA Coordinator for ARS.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this may be made effective less than 30 days after publication in the Federal Register. Further, since this rule relates to

internal agency management, it is exempt from the provisions of Executive Orders 12778 and 12866. Also, this rule will not cause a significant economic impact or other substantial effect on small entities. Therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., do not apply. This rule supersedes the notice published in the Federal Register on May 18, 1988 (53 FR 17685).

List of Subjects in 7 CFR Part 510

Freedom of Information.

Accordingly, 7 CFR Part 510 is revised to read as follows:

PART 510—PUBLIC INFORMATION

Sec.

510.1 General statement.

510.2 Public inspection, copying, and indexing.

510.3 Requests for records.

510.4 Denials.

510.5 Appeals.

Authority: 5 U.S.C. 301, 552; 7 CFR Part 1, Subpart A and Appendix A thereto.

§ 510.1 General statement.

This part is issued in accordance with the regulations of the Secretary of Agriculture in Part 1, Subpart A of this title and Appendix A thereto, implementing the Freedom of Information Act (FOIA) (5 U.S.C. 552). The Secretary's regulations, as implemented by the regulations in this part, govern the availability of records of the Agricultural Research Service (ARS) to the public.

§ 510.2 Public inspection, copying, and indexing.

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying and that a current index of these materials be published quarterly or otherwise be made available. Members of the public may request access to such materials maintained by ARS at the following office: Information Staff, ARS, USDA, 6303 Ivy Lane, Room 456, Greenbelt, MD 20770; Telephone (301) 344-2207. Office hours are 8:00 a.m. to 4:30 p.m.

§ 510.3 Requests for records.

Requests for records of ARS under 5 U.S.C. 552(a)(3) shall be made in accordance with § 1.6 of this title and submitted to the FOIA Coordinator, Agricultural Research Service, USDA, 6303 Ivy Lane, Room 456, Greenbelt, MD 20770; Telephone (301) 344-2207; Facsimile (301) 344-2325; TDD (301) 344-2435. The FOIA Coordinator is delegated authority to make determinations regarding such requests in accordance with § 1.3(a)(3) of this title.

§ 510.4 Denials.

If the FOIA Coordinator determines that a requested record is exempt from mandatory disclosure and that discretionary release would be improper, the FOIA Coordinator shall give written notice of denial in accordance with § 1.8(a) of this title.

§ 510.5 Appeals.

Any person whose request is denied shall have the right to appeal such denial. Appeals shall be made in accordance with § 1.6(e) of this title and should be addressed as follows: Administrator, Agricultural Research Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, this 18th day of December 1995.

K.D. Murrell,

Acting Associate Administrator, Agricultural Research Service.

[FR Doc. 95-31098 Filed 12-20-95; 8:45 am]

BILLING CODE 3410-03-M

National Agricultural Library

7 CFR Part 4100

Availability of Information

AGENCY: National Agricultural Library, USDA.

ACTION: Final rule.

SUMMARY: This document removes the regulations of the National Agricultural Library (NAL) regarding the availability of information to the public in accordance with the Freedom of Information Act (FOIA) to reflect an internal reorganization of the Department of Agriculture (USDA).

EFFECTIVE DATE: December 21, 1995.

FOR FURTHER INFORMATION CONTACT: Stasia A.M. Hutchison, FOIA Coordinator, Information Staff, Agricultural Research Service, USDA, 6303 Ivy Lane, Room 456, Greenbelt, MD 20770, Telephone (301) 344-2207.

SUPPLEMENTARY INFORMATION: The FOIA (5 U.S.C. 552(a)(1)) requires Federal agencies to publish in the Federal Register regulations describing how the public may obtain information from the agency. Part 4100 of Title 7, Code of Federal Regulations, was issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR Part 1, Subpart A, implementing FOIA.

Pursuant to an internal reorganization of USDA, NAL has been integrated into the Agricultural Research Service (ARS), USDA. This document removes 7 CFR Part 4100. Requests for information relating to NAL may be obtained through the FOIA Coordinator for ARS

pursuant to 7 CFR Part 1, Subpart A, and 7 CFR Part 510.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Orders 12778 and 12866. Also, this rule will not cause a significant economic impact or other substantial effect on small entities. Therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., do not apply. This rule supersedes the notice published in the Federal Register on May 19, 1988 (53 FR 17914).

List of Subjects in 7 CFR Part 4100

Freedom of Information Act.

Accordingly, under the authority of 5 U.S.C. 301, Part 4100 is removed and chapter XLI is vacated.

Done at Washington, DC, this 18th day of December 1995.

K.D. Murrell,

Acting Associate Administrator, Agricultural Research Service.

[FR Doc. 95-31097 Filed 12-20-95; 8:45 am]

BILLING CODE 3410-12-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103, 242, 264, 274a, and 299

[INS No. 1414-91]

RIN 1115-AC39

Applicant Processing for Family Unity Benefits

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule adopts with amendments the interim rule which was published by the Immigration and Naturalization Service on February 25, 1992, implementing the provisions of the Family Unity Program created by the Immigration Act of 1990 which provides a means by which certain eligible aliens may obtain permanent resident status. This rule also provides voluntary departure and work authorization for certain eligible immigrants.

EFFECTIVE DATE: December 21, 1995.

FOR FURTHER INFORMATION CONTACT: Jack Hartsoch, Office of Service Center Operations, Immigration and